

COOPER & DUNHAM LLP
ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036
TELEPHONE: (212) 278-0400

RECEIVED
CENTRAL FAX CENTER

JAN 24 2007

CHRISTOPHER C. DUNHAM	IVAN G. KAVRUKOV
NORMAN H. ZIVIN	PETER B. MUMHAY
JOHN P. WHITE	WILLIAM E. PELTON
ROBERT B.G. HOROWITZ	HOWARD E. KATZ
ERIC D. KIRACH	PAUL TENG
GARY J. GERSHIK	PETER J. PHILLIPS
WENDY E. MILLER	NICHARD S. MILNER
ROBERT T. MALDONADO	RICHARD F. JAWORSKI
ALAN J. MORRISON	MARIA V. MARUCCI
AUDE GERSPACHER	JACQUET C. SHIEM
BRIAN J. AMOS	JOSEPH B. GROES
TONIA A. SATOUR	NILAY D. PATEL
GREGORY J. CARBO*	J. ANURKA PARK*

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0630
(212) 391-0631
(212) 827-0247

OF COUNSEL
DONALD S. DOWDEN

SCIENTIFIC ADVISOR
JAMES R. MAJOR, D. PHIL.

FOUNDED 1887
www.cooperdunham.com

*NEW YORK STATE BAR ADMISSION PENDING

FACSIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES

TO : United States Patent and Trademark Office
ATTN.: Examiner Martin J. Angebrannndt, Group Art Unit 1756
FAX NO.: (571) 273-8300
FROM : Paul Teng OUR DOCKET NO.: 2271/66507
DATE : January 24, 2007

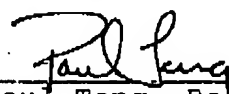
TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 2

⊙ IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.

✶ MESSAGE ✶

In connection with Serial No. 10/044,490:

Terminal Disclaimer and authorization to charge \$130.00 disclaimer fee to deposit account 03-3125.


Paul Teng, Reg. No. 40,837

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

JAN 24 2007

PTO/SB/28 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

2271/66507

In re Application of: Yuki NAKAMURA et al.

Application No.: 10/044,490

Filed: January 9, 2002

For: PHASE CHANGE OPTICAL RECORDING MEDIUM

The owner, Ricoh Company, Ltd of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,592,958. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Paul Teng January 24, 2007
Signature Date

Paul Teng, Reg. No. 20,837

Typed or printed name

(212) 278-0400

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8188 and select option 2.

01/25/2007 NNGUYEN1 00000053 033125 10044490

01 FC:1814

130.00 DA